

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Index # 16-CV-3881 (SJF) (SIL)
WUHU HUA SHENG ORE LIMITED

Plaintiff,
-against-

ANSWER WITH JURY DEMAND

NENG GUAN REN A/K/A ALAN REN,

Defendant.

-----X

Defendant ALAN REN by his attorney, GARY SCHOER, ESQ., as and for his Answer to the Complaint of the Plaintiff, alleges as follows:

1. Defendant denies each and every allegation contained in paragraphs 3, 5, 7, 8, 10, 12 and 16 of the Complaint.

2. Defendant refers the Court to the terms of the purported Promissory Note in response to paragraph 6 of the Complaint.

3. Defendant admits the allegations contained in paragraphs 13, 14 and 15 of the Complaint that Plaintiff has demanded money and that the Defendant has refused, and has not paid, the Plaintiff, but denies that such money is owed or that he has any obligation to pay the Plaintiff anything.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Plaintiff has failed, in whole or in part, to state any cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

5. Defendant did not sign that purported Promissory Note.

6. The signature contained thereon that purports to be the Defendant's signature is a forgery.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

7. The purported Promissory Note is unenforceable in that there was no consideration therefor.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

8. If a debt is owed to the Plaintiff, which Defendant denies, the Plaintiff has brought this action against the wrong party.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

9. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

10. Neither the United States nor the State of New York have any connection with the transactions or occurrences alleged in the Plaintiff's Complaint. Either Mexico where the purported Promissory Note was allegedly prepared and signed, or the People's Republic of China where the alleged underlying debt was allegedly incurred, is the most convenient forum for the trial of this action.

11. The laws of Mexico, or of the People's Republic of China, are relevant to, and controlling with respect to, the Plaintiff's alleged claims herein.

12. Accordingly, this action should be dismissed on the grounds of *forum von conveniens* and should be re-filed in an appropriate court in an appropriate jurisdiction.


DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 (b) of the Federal Rules of Civil Procedure, the Defendant demands a trial by jury of all issues.

WHEREFORE the Defendant demands Judgment dismissing the Plaintiff's Complaint with the costs and expenses of this action including reasonable attorney's fees and granting such other and further relief as the Court deems just and proper.

Dated: Syosset, New York
July 28, 2016

Yours, etc.



GARY SCHOER, ESQ. (GS4624)
Attorney for Defendant
6800 Jericho Turnpike, Suite #108W
Syosset, New York 11791
(516) 496-3500

TO:

GOLDBERGER & DUBIN P.C.
Attorney for Plaintiff
401 Broadway, Suite 306
New York, New York 10013
(Via ECF & Regular Mail)

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GARY SCHOER, ESQ.

Attorney for Defendant

6800 Jericho Turnpike, Suite 108W

Syosset, New York 11791

(516) 496 3500

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:.....

Signature.....

Print Signer's Name... **GARY SCHOER**

Service of a copy of the within

is hereby admitted

Dated:

.....
Attorney (s) for

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a
NOTICE OF entered in the office of the clerk of the within-named Court on 20
ENTRY

☐ that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF Hon. , one of the judges of the within-named Court,
Entry at 20 , at M.

Dated:

To:

Attorney (s) for

GARY SCHOER, ESQ.
NORTH SHORE ATRIUM
6800 JERICHO TURNPIKE, SUITE 108W
SYOSSET, NEW YORK 11791